

16. (New) The process as claimed in claim 13, wherein the end block of propylene oxide makes up from 5 to 15% by weight of the total mass of the polyether polyol.

17. (New) The process as claimed in claim 13, wherein at least 80% of the total number of hydroxyl groups present in the polyether polyol are secondary hydroxyl groups.

18. (New) The process as claimed in claim 13, wherein at least 90% of the total number of hydroxyl groups present in the polyether polyol are secondary hydroxyl groups.

19. (New) The process as claimed in claim 13, wherein at least 95% of the total number of hydroxyl groups present in the polyether polyol are secondary hydroxyl groups.

20. (New) The process as claimed in claim 13, wherein initially a block of propylene oxide units is added onto the H-functional initiator substances and then the mixture of ethylene oxide and propylene oxide is addition reacted wherein the proportion of ethylene oxide in the mixture of ethylene oxide and propylene oxide is reduced during the course of the addition until only pure propylene oxide is being introduced at the end of the addition, thereby forming an end block of propylene oxide on the polyol.

#### **REMARKS**

Claims 1, 2, 6-9, 11, and 12 remain in the application, new claims 13-20 have been added. Claims 3-5 and 10 have been canceled by the present amendment.

The Examiner rejected Claims 1-9, 11, and 12, under 35 U.S.C. § 102(e) as being anticipated by *Lear, et al.* Rejection of a claim under 35 U.S.C. § 102 requires that each and every limitation of the rejected claim be found in a single prior art reference. If even a single limitation of the claim is not found in the prior art reference then the rejection under 35 U.S.C. § 102 is improper and must be withdrawn.

Claim 1 has been amended to include the limitation of "wherein an end block of an alkylene oxide having at least three carbon atoms is added on at the end of the chain in an amount of from greater than 15 to 50% by weight based on the total weight of the polyol". Support for this limitation is found on page 4, lines 17-22 of the specification. Such a process is not disclosed in *Lear, et al.* In *Lear et al.* it is made clear that the end block of propylene oxide can not exceed 15 weight percent, which is outside the range of amended claim 1. The present invention permits a much higher level of end block than the cited reference. Thus, the rejection of Claim 1, and the claims which depend therefrom, under 35 U.S.C. § 102(e) based on *Lear, et al* is improper and must be withdrawn.

The Examiner rejected Claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Lear, et al.* Rejection of a claim under 35 U.S.C. § 103(a) based on a single reference requires that the Examiner specifically point to a teaching, suggestion, or motivation in the cited reference that would lead one of ordinary skill in the art to modify the cited reference thereby producing the invention of the rejected claim. *In re Sang Su Lee*, 277 F.3<sup>d</sup> 1338 (Fed. Cir. 2002). New claim 13 is claim 10 in independent form. The Examiner has not pointed to any specific teaching, suggestion, or motivation within the prior art reference that would lead one of ordinary skill in the art to modify the prior art reference in a way making

obvious the present invention as claimed in Claim 13. In fact, all of the examples and disclosure of the cited reference discussed feeding a **constant ratio of propylene oxide to ethylene oxide** into the reactor until the total desired amount of propylene oxide and ethylene oxide has been fed and then switching to a final addition of all propylene oxide to produce the homopolyoxypropylene cap. The Examiner's suggestion that varying the ethylene oxide to propylene oxide ratio during the reaction would be easier than maintaining a constant propylene oxide to ethylene oxide ratio and then switching to pure propylene oxide is incorrect. The process recited in Claim 13 of the present invention is much more complex than that disclosed in the cited reference and not more simplified as suggested by the Examiner. Thus, claim 13 and the claims which depend therefrom are allowable over the prior art of record.

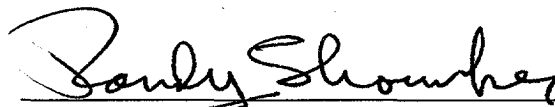
Applicants' attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance.

**Respectfully submitted,**

**HOWARD & HOWARD ATTORNEYS**

**March 06, 2003**

**Date**



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**MARKED-UP VERSION**

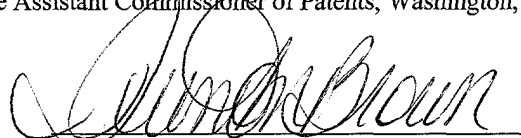
1. (Twice Amended) A process for preparing polyether polyols comprising catalytic addition reacting ethylene oxide and propylene oxide onto H-functional initiator substances in the presence of at least one multimetal cyanide compound as catalyst, wherein an end [a] block of an alkylene oxide having at least three carbon atoms is added on at the end of the chain in an amount of from greater than 15 to 50% by weight based on the total weight of the polyol.

2. (Twice Amended) A process as claimed in claim 1, wherein the end block of an alkylene oxide having at least three carbon atoms is propylene oxide [makes up from 2 to 50% by weight of the total mass of the polyether alcohol].

11. (Twice amended) A polyether alcohol which is prepared in accordance with the process as claimed in any of claims 1, 2, or 6 to 9 [to 10].

**CERTIFICATE OF MAILING**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, on **March 06, 2003**.

A handwritten signature in cursive script, appearing to read "Irene M. Brown", is written over a horizontal line.

Irene M. Brown

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